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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/201,749	12/01/1998	PING-WEN ONG	11	1977

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/201,749	<b>Applicant(s)</b> ONG, PING-WEN	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 29-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/25/05</u> . | 6) <input type="checkbox"/> Other: _____  |

EA

### **DETAILED ACTION**

1. Claims 1-35 are pending. Claims 29-35 have been withdrawn in this communication filed 03/25/05 entered as Response After Non-Final Action and IDS. The IDS filed 03/25/05 has been considered.
2. Claims 1, 8, 16, 22, and 28 still remain rejected under 35 USC 112, second paragraph as set forth here below.
3. The restriction requirement for Group I and Group II, claims 1-28 is hereby withdrawn in view of Applicant's arguments. The restriction and withdrawal of claims 29-35 still remains for the reason(s) set forth in the arguments section here below.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1, 8, 15, 16, 22, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "... identifying as a function of said creation time-stamp and said requested time-stamp ...". It is unclear where Applicants' step is in the claim for the "creation time-stamp". There appears to be a step missing from the claim. The step is the "creation of the time-stamp". Claim 8 recites "... receive a request for said electronic document, said request including a requested time-stamp indicating a time associated with a desired version of said electronic document and a domain name associated with said time-stamp". This claim limitation is very unclear as written. Claim 15 has a similar problem. Claim 16

recites "receiving a request for an electronic document associated with said domain name, said electronic document having multiple versions, each of said versions being identified by a creation time-stamp indicating a creation time ...". This claim has a similar problem as claim 1. When and how was the time-stamp created? Claim 22 has a similar problem as claims 1 and 15.

The recitation "a method for providing an electronic document, said electronic document having multiple versions, each of said versions identified by a creation time-stamp indicating a creation time of the corresponding version" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-4, 8-11, 15-19, 22-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by (US 5,991,773) Tagawa.

With respect to claim 1, Tagawa teaches the steps of:

- receiving a request for the electronic document, the request including a requested time-stamp indicating a time associated with a desired version of the electronic document and a domain name associated with said time-stamp (col. 2, line 54-col. 3, line 20, receiving a Uniform Resource Locator (URL) including a timestamp indicating a time of creating a version from the terminal via a network);

identifying as a function of said creation time-stamp and said requested time-stamp a version of said electronic document having a creation time corresponding to said requested time-stamp (col. 3, lines 5-20 and lines 25-34); and

identifying an address of said version of said the electronic document corresponding to the requested timestamp as a function of said requested time-stamp and said domain name (col. 5, line 5-col. 6, line 57).

With respect to claim 8, Tagawa further teaches, a memory (col. 4, lines 56-62 and Figs. 3(a) –3 (b)) and a processor (col. 4, lines 59-63 and lines 65-67 and Figs. 3(a)-3(b)).

Independent claim 8 is for a computer system performing the method of claim 1 and is also rejected for the similar rationale given for claim 1.

With respect to claim 15, is for an article of manufacture comprising a computer readable medium having a computer readable program code means embodied thereon performing the method of claim 1, and is rejected under the similar rationale.

With respect to claim 16, is a method for resolving a domain name performing the method steps of claim 1 and is also rejected for the similar rationale as given above for claim 1.

With respect to claim 22, Tagawa teaches a memory for storing a database identifying a machine storing an electronic document (col. 1, lines 13-50) and a processor (col. 4, lines 59-63 and lines 65-67 and Figs. 3(a)-3(b)). This claim is rejected for the similar rationale as given above for claims 8 and 16.

With respect to claim 28 is an article of manufacture for resolving a domain name for performing the steps of claim 16 and 22. Tagawa further teaches, identifying a server associated with the said domain name ... (col. 5, line 5 –col. 6, line 57).

With respect to claims 2, 9, 17, and 23, Tagawa teaches, an address identifying the document includes the creation time-stamp (receiving from a user one or more values indicative of one or more selected segments of the streams corresponding to selected intervals of time (col. 2, line 54-col. 3, line 20 and col. 10, lines 47-49 -URL address includes timestamp 950910).

With respect to claims 3, 10, 18, and 24, Tagawa teaches, the address is a Uniform Resource Locator ("URL") (col. 2, line 54-col. 3, line 20 and col. 10, lines 47-49, timestamp 950910 is a Uniform Resource Locator ("URL")).

With respect to claims 4, 11, 19, and 25, Tagawa teaches, the Uniform Resource Locator ("URL") has an associated request header for indicating said requested time stamp (col. 7, lines 10-50 and Fig. 10).

8. Claims 5-7, 12-14, 20, 21, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,991,773) Tagawa in view of Freeman et al (US 6,006,227), hereafter

With respect to claims 5 and 13, Tagawa failed to teach, transmitting the version of said electronic document with the most recent creation time-stamp preceding the requested time-stamp if a version of the electronic document does not exist with the requested time-stamp (setting the time to the future or past is to reset the time-cursor temporary to a fixed position designated by the user. Freeman teaches, transmitting the version of said electronic document with the most recent creation time-stamp preceding the requested time-stamp if a version of the electronic document does not exist with the requested time-stamp (setting the time to the future or past is to reset the time-cursor temporary to a fixed position designated by the user (col. 7, line 49- col. 67, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the version of said electronic document with the most recent creation time-stamp preceding the requested time-stamp if a version of the electronic document does not exist with the requested time-stamp (setting the time to the future or

past is to reset the time-cursor temporary to a fixed position designated by the user and to modify in Tagawa because such a modification would allow Tagawa to be transmitted by server running over the Internet handling one or more documents.

With respect to claims 6, 12, 20, and 26, Tagawa failed to teach, the request is specified using a browser. Freeman teaches, the request is specified using a browser (copying a Web address from a Web browser; col. 13, lines 27-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the request specified using a browser and to modify in Tagawa because such a modification would allow Tagawa to have the capability to copy a Web address from a web browser to document (specifying using a browser).

With respect to claims 7, 14, 21, and 27, Tagawa failed to teach, the requested time-stamp is a relative time-stamp (chronological indicators including past, present, and future times. Freeman teaches, the requested time-stamp is a relative time-stamp (chronological indicators including past, present, and future times (col. 13, lines 30-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the requested time-stamp is a relative time-stamp and to modify in Tagawa because such a modification would allow Tagawa to have chronological indicators including past, present, and future times as expressed by Freeman in col. 2, line 62-col. 3, line 29).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.



Fogg et al (US 6,163,778) disclosed an electronic document, a header, date and time, and servers.

Sawashima et al (US 5,946,699) disclosed version management.

### **Inquiries**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**E. Colbert**  
**Primary Examiner**  
October 17, 2005